

## **Example Findings of Fact for the “Growth Management Act Update” – Legislative Action Required Under RCW 36.70A.130(1)**

All cities and counties in Washington state are required by RCW 36.70A.130 to “review, and revise if necessary” (aka, update) their comprehensive plans and development regulations adopted under the state’s Growth Management Act (GMA). *(Note: Counties, and the cities within them, whose GMA requirements are limited to critical areas and natural resource lands under RCW 36.70A.170 and .060 must update only those two items.)* A specific “legislative action” is required by each city and county to demonstrate the completion of this requirement.

The Washington State Department of Community, Trade and Economic Development (CTED) provides assistance to cities and counties in completing GMA planning through its Growth Management Services (GMS) program. GMS has received numerous questions from cities and counties regarding the legislative action required for their GMA updates. This paper includes annotated examples of findings, organized by topic and included in boldface for easy recognition, that could be included in the final ordinance or resolution adopted by a local government’s elected officials to complete this requirement. The topics are in no particular order of importance. *The annotations are included in italics for easy recognition.* These example findings are not required to be included in a local government’s ordinance or resolution, but are designed to provide examples of the topics that a city or county should consider addressing in its final GMA update legislative action. Each jurisdiction should consult with its legal counsel to create its final ordinance or resolution to fulfill the obligations of RCW 36.70A.130.

GMS staff are available at (360) 725-3000 for further assistance. Additional information on GMA updates is available at [www.cted.wa.gov/growth](http://www.cted.wa.gov/growth).

### **TOPIC #1. Public Participation Program:**

*Local governments must establish a public participation program for their GMA update process under RCW 36.70A.130(2). The final legislative action for a jurisdiction’s GMA update should include findings that a public participation program was established and followed. (See GMS Technical Bulletin 1.4 at [www.cted.wa.gov/growth](http://www.cted.wa.gov/growth) for more information on the public participation program requirement.)*

**On (date), (name of jurisdiction) adopted (ordinance or resolution number, if applicable) establishing a public participation program in accordance with RCW 36.70A.130(2) that identified procedures and schedules for reviewing and, if needed, revising the comprehensive plan and development regulations.**

**(Name of jurisdiction) has followed its adopted public participation program, including (list or attach names and dates of all public workshops, surveys, comment periods, and other components of the public participation program).**



## **TOPIC #2. Review of the Best Available Science:**

*If the city or county GMA update includes revisions to its critical areas program to include the best available science as required by RCW 36.70A.172, the final legislative action should document in its findings the sources of scientific information that were used, and how it was incorporated into the critical areas program.*

Example findings for critical areas are contained in Appendix C of the *Critical Areas Assistance Handbook*, which can be found at:

[www.cted.wa.gov/uploads/Appendix\\_C.doc](http://www.cted.wa.gov/uploads/Appendix_C.doc)

For a hard copy of the *Critical Areas Assistance Handbook*, please contact Growth Management Services at (360) 725-3000.

## **TOPIC #3. State Agency Notice:**

*RCW 36.70A.106 requires local governments to provide notice to state agencies of their intent to adopt any amendments to GMA comprehensive plans or development regulations. This notice must be provided to CTED at least 60 days before the planned adoption of each amendment. For GMA updates, this notice should be provided before each amendment that is part of the update, and before the planned adoption of the final legislative action.*

**Notice of all amendments to the comprehensive plan and development regulations adopted to fulfill the requirements of RCW 36.70A.130 was sent to the Washington State Department of Community, Trade and Economic Development at least sixty days before the amendments were adopted, in accordance with RCW 36.70A.106.**

*(Important Note: Local governments must send CTED a final copy of each amendment and the final legislative action within ten days after their adoption. This will ensure that CTED's records are up-to-date regarding the jurisdiction's compliance with the GMA.)*

## **TOPIC #4. Review and Revision of Natural Resource Land and Critical Areas Designations and Regulations Only (Jurisdictions Not Planning Under RCW 36.70A.040):**

*Counties, and the cities within them, that are not required to plan under RCW 36.70A.040 must review, and revise if necessary, only their GMA requirements under RCW 36.70A.170 and .060, which are critical areas and natural resource lands. All cities and counties should affirm this status in their findings.*

**(Name of jurisdiction) does not plan under RCW 36.70A.040.**



RCW 36.70A.170 and .060 require (name of jurisdiction) to designate critical areas and natural resource lands and to adopt development regulations that protect critical areas. Every seven years, RCW 36.70A.130(1) requires (name of jurisdiction) to take legislative action to review its natural resource land and critical areas designations and its development regulations protecting critical areas, and to revise them if needed to comply with the requirements in Chapter 36.70A RCW.

Under the schedule established in RCW 36.70A.130(4), the deadline for (name of jurisdiction) to comply with the update required by RCW 36.70A.130(1) is (December 1, 200\_).

#### **a. When Revisions Are Needed**

*If a complete review of the critical areas and natural resource lands provisions reveals a need to revise those provisions, the jurisdiction should develop findings that affirm the review was completed, describe the process used to complete the review and revisions, and state that its revised provisions comply with the GMA (RCW 36.70A).*

On (date), (staff or name of consultant) prepared an analysis of critical areas and natural resource designations and the development regulations that protect critical areas currently in effect in (name of jurisdiction) for consistency with the requirements of Chapter 36.70A RCW. Based on this analysis, (staff or name of consultant) prepared proposed revisions it concluded are needed to comply with Chapter 36.70A RCW. On (date), (staff or name of consultant) forwarded its analysis and proposed revisions to the (name of jurisdiction) Planning Commission.

The (name of jurisdiction) Planning Commission reviewed the analysis and proposed revisions prepared by (staff or name of consultant) and held a public hearing on (date of hearing) to receive public comments on the analysis and proposed revisions. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff or name of consultant), and the public comments received, the Planning Commission (accepted the analysis and proposed revisions) OR (modified the analysis and proposed revisions to more fully comply with Chapter 36.70A RCW) and forwarded recommended findings on review and proposed revisions to the (legislative body) on (date).

The (legislative body) held a public hearing on (date of hearing) to receive public comments on the recommended findings on review and proposed revisions.

Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff or name of consultant), the recommended findings on review and proposed revisions forwarded by the Planning Commission, and the public comments received, the (legislative body) finds and declares that the review and needed revisions have been prepared in conformance with applicable



law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and (appropriate public participation and adoption process section(s) of jurisdiction's code). Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff or name of consultant), the recommended findings on review and proposed revisions forwarded by the Planning Commission, and the public comments received, the (legislative body) (accepted the analysis and proposed revisions) OR (modified the analysis and proposed revisions to more fully comply with Chapter 36.70A RCW) and hereby finds and declares that (name of jurisdiction's) natural resource land and critical areas designations and development regulations protecting critical areas as revised by this ordinance comply with the requirements of Chapter 36.70A RCW.

#### **b. When No Revisions Are Needed**

*If a complete review of the critical areas and natural resource lands provisions reveals no need to revise those provisions, the jurisdiction should develop findings to affirm the review was completed, describe the basis for making that decision, and state that its existing provisions comply with the GMA (RCW 36.70A).*

On (date), (staff or name of consultant) prepared an analysis of critical areas and natural resource designations and the development regulations that protect critical areas currently in effect in (name of jurisdiction) for consistency with the requirements of Chapter 36.70A RCW. Based on this analysis, (staff or name of consultant) found the designations and protections currently in effect comply with Chapter 36.70A RCW. On (date), (staff or name of consultant) forwarded its analysis and findings to the (name of jurisdiction) Planning Commission.

The (name of jurisdiction) Planning Commission reviewed the analysis and findings prepared by (staff or name of consultant) and held a public hearing on (date of hearing) to receive public comments on the analysis and findings. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by (staff or name of consultant), and the public comments received, the Planning Commission accepted the analysis and forwarded recommended findings on review to the (legislative body) on (date).

The (legislative body) held a public hearing on (date of hearing) to receive public comments on the recommended findings on review.

Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by (staff or name of consultant), the recommended findings on review forwarded by the Planning Commission, and the public comments received, the (legislative body) finds and declares that the review and findings have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and (appropriate public participation and adoption process section(s) of jurisdiction's code).



Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by (staff or name of consultant), the recommended findings on review forwarded by the Planning Commission, and the public comments received, the (legislative body) hereby finds and declares that the natural resource land and critical areas designations and development regulations protecting critical areas currently in effect in (name of jurisdiction) comply with the requirements of Chapter 36.70A RCW.

## **TOPIC #5. Review and Revision of Comprehensive Plans and Development Regulations Required (Jurisdictions Planning Under RCW 36.70A.040):**

*Counties and cities required to plan under RCW 36.70A.040 must review, and revise if necessary, their entire comprehensive plan and development regulations. These cities and counties should affirm this status in their findings.*

**(Name of jurisdiction) is required to plan under RCW 36.70A.040.**

Every seven years, RCW 36.70A.130(1) requires (name of jurisdiction) to take legislative action to review and, if needed, revise its comprehensive plan and development regulations, including its policies and regulations designating and conserving natural resource lands and designating and protecting critical areas to comply with the requirements in Chapter 36.70A RCW.

Under the schedule established in RCW 36.70A.130(4), the deadline for (name of jurisdiction) to comply with the update required by RCW 36.70A.130(1) is (December 1, 200\_).

### **a. When Revisions Are Needed**

*If a complete review of the comprehensive plan and development regulations reveals a need for revisions, the jurisdiction should develop findings to affirm the review was completed, describe the process used to complete the review and revisions, and state that its revised plan and regulations comply with the GMA (RCW 36.70A).*

On (date), (staff or name of consultant) prepared an analysis of the comprehensive plan and development regulations currently in effect in (name of jurisdiction) for consistency with the requirements of Chapter 36.70A RCW. Based on this analysis, (staff or name of consultant) prepared proposed revisions it concluded are needed to comply with Chapter 36.70A RCW. On (date), (staff or name of consultant) forwarded its analysis and proposed revisions to the (name of jurisdiction) Planning Commission.



The (name of jurisdiction) Planning Commission reviewed the analysis and proposed revisions prepared by (staff or name of consultant) and held a public hearing on (date of hearing) to receive public comments on the analysis and proposed revisions. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff or name of consultant), and the public comments received, the Planning Commission (accepted the analysis and proposed revisions) OR (modified the analysis and proposed revisions to more fully comply with Chapter 36.70A RCW) and forwarded recommended findings on review and proposed revisions to the (legislative body) on (date).

The (legislative body) held a public hearing on (date of hearing) to receive public comments on the recommended findings on review and proposed revisions.

Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff or name of consultant), the recommended findings on review and proposed revisions forwarded by the Planning Commission, and the public comments received, the (legislative body) finds and declares that the review and needed revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and (appropriate public participation and adoption process section(s) of jurisdiction's code, and the jurisdiction's charter if appropriate).

Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff or name of consultant), the recommended findings on review and proposed revisions forwarded by the Planning Commission, and the public comments received, the (legislative body) (accepted the analysis and proposed revisions) OR (modified the analysis and proposed revisions to more fully comply with Chapter 36.70A RCW) and hereby finds and declares that (name of jurisdiction's) comprehensive plan and development regulations as revised by this ordinance comply with the requirements of Chapter 36.70A RCW.

#### **b. When No Revisions Are Needed**

*If a complete review of the comprehensive plan and development regulations reveals no need for revisions, the jurisdiction should develop findings to affirm the review was completed, describe the basis for making that decision, and state that its existing plan and regulations comply with the GMA (RCW 36.70A).*

On (date), (staff or name of consultant) prepared an analysis of the comprehensive plan and development regulations currently in effect in (name of jurisdiction) for consistency with the requirements of Chapter 36.70A RCW. Based on this analysis, (staff or name of consultant) found the comprehensive plan and development regulations currently in effect comply with Chapter 36.70A RCW. On (date), (staff



or name of consultant) forwarded its analysis and findings to the (name of jurisdiction) Planning Commission.

The (name of jurisdiction) Planning Commission reviewed the analysis and findings prepared by (staff or name of consultant) and held a public hearing on (date of hearing) to receive public comments on the analysis and findings. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by (staff or name of consultant), and the public comments received, the Planning Commission accepted the analysis and forwarded recommended findings on review to the (legislative body) on (date).

The (legislative body) held a public hearing on (date of hearing) to receive public comments on the recommended findings on review.

Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by (staff or name of consultant), the recommended findings on review forwarded by the Planning Commission, and the public comments received, the (legislative body) finds and declares that the review and findings have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and (appropriate public participation and adoption process section(s) of jurisdiction's code, and the jurisdiction's charter if appropriate).

Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by (staff or name of consultant), the recommended findings on review forwarded by the Planning Commission, and the public comments received, the (legislative body) hereby finds and declares that the comprehensive plan and development regulations currently in effect in (name of jurisdiction) comply with the requirements of Chapter 36.70A RCW.

## **TOPIC #6. Buildable Lands Evaluation:**

*RCW 36.70A.215 requires certain counties, and the cities within them, to establish and carry out a review and evaluation program (aka, buildable lands evaluation). Currently, these counties are King, Pierce, Snohomish, Thurston, Kitsap, and Clark. Buildable lands jurisdictions were required to complete their first evaluation reports by September 1, 2002.*

### **a. When Reasonable Measures Needed**

*If its buildable lands evaluation report demonstrated an inconsistency between the adopted comprehensive plan policies and the actual growth patterns, the county or city must adopt and implement measures that are reasonably likely to increase consistency over the next five years (aka, reasonable measures) [see RCW 36.70A.215(4)]. The adoption of these measures should be included in findings of the jurisdiction's final GMA update legislative action to affirm complete consistency with the GMA.*



**(Name of jurisdiction) adopted/accepted its review and evaluation report in accordance with RCW 36.70A.215 on (date). The (legislative body) has reviewed that report and concluded that it identified insufficient capacity to accommodate projected growth and/or inconsistencies between adopted comprehensive plan policies and the actual growth patterns since adoption of the comprehensive plan.**

**As required in RCW 36.70A.215(4), the (legislative body) has adopted (list applicable ordinance or resolution numbers) as measures reasonably calculated to address the insufficient capacity and/or inconsistencies identified in the review and evaluation report.**

#### **b. When No Reasonable Measures Needed**

*If the jurisdiction's buildable lands evaluation report did not demonstrate the need for reasonable measures to be adopted, a finding explicitly stating that fact should be included in the jurisdiction's final GMA update legislative action to affirm complete consistency with the GMA.*

**(Name of jurisdiction) adopted/accepted its review and evaluation report in accordance with RCW 36.70A.215 on (date). The (legislative body) has reviewed that report and concluded that sufficient capacity exists to accommodate projected growth and that no inconsistencies exist between adopted comprehensive plan policies and the actual growth patterns since adoption of the comprehensive plan.**

#### **TOPIC #7. When Review and Update Are Adopted in Phases (Even If Over Several Years):**

*For many jurisdictions, the needed revisions identified by a review of the comprehensive plan and development regulations were completed in several phases. In some cases, each phase of revisions was adopted with a separate ordinance or resolution. For these jurisdictions to ensure full compliance with RCW 36.70A.130, a final legislative action should be taken that includes findings listing all of the previous ordinances or resolutions that adopted phases of the update, and states that the jurisdiction's completely revised plan and regulations comply with the GMA (RCW 36.70A).*

**(Name of jurisdiction) is required to plan under RCW 36.70A.040.**

**Every seven years, RCW 36.70A.130(1) requires (name of jurisdiction) to take legislative action to review and, if needed, revise its comprehensive plan and development regulations, including its policies and regulations designating and conserving natural resource lands and designating and protecting critical areas to comply with the requirements in Chapter 36.70A RCW.**



Under the schedule established in RCW 36.70A.130(4), the deadline for (name of jurisdiction) to comply with the update required by RCW 36.70A.130(1) is (December 1, 200\_).

On (date), the (legislative body) of (name of jurisdiction) reviewed its comprehensive plan and development regulations and determined (in ordinance or resolution number) that revisions were needed to comply with Chapter 36.70A RCW.

As required in RCW 36.70A.130, (name of jurisdiction) adopted the following revisions to comply with Chapter 36.70A RCW: (list ordinances and dates of adoption).

Based on its review of the requirements of Chapter 36.70A RCW and of the ordinances adopted to meet the requirement of RCW 36.70A.130, the (legislative body) hereby finds and declares that (name of jurisdiction's) comprehensive plan and development regulations, as revised by the ordinances listed above, comply with the requirements of Chapter 36.70A RCW, and that (name of jurisdiction) has complied with the requirements of RCW 36.70A.130.